IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2684 OF 2005

Ramesh Maniklal Velapure ...Petitioner
Vs.
Paraslaxmi Finance & Investment Corpn. ...Respondents

AND

WRIT PETITION NO.2685 OF 2005

Rajkumar Maniklal Velapure ...Petitioner
Vs.
Paraslaxmi Finance & Investment Corpn. ...Respondents

Mr.G.S.Godbole for the Petitioners
Mr. Dinesh W. Bhosale for Dr. V.K. Choudhari for the Respondents

CORAM: SHRI J.N.PATEL
DATED: 25TH JULY, 2006

P.C.

1. Heard.

2. It is the case of the Petitioners (original Defendants) that the documents on which the Respondents (original Plaintiffs) have based their claim does not bear their signatures and to that extent they are forged documents and for that reason

the Petitioners in these two Writ Petitions have filed their applications Exhibit-29 and Exhibit-18 respectively in the trial Court for referring the documents to the Handwriting Expert. The same has been rejected by the trial Court on two counts:

(i)Relating to the burden of proof and

(ii) That these applications have been moved to delay the trial.

3. This Court would not like to express its view on the issue of the burden of proof, but in so far as the Petitioners' claim that the documents are forged, is concerned, the Petitioners can very well engage their own Handwriting Experts and get the documents examined in the Court and tender necessary evidence in support of their contentions.

4. In view of this, the learned Counsel appearing for the Petitioners in both the Writ Petitioners submits that if the Petitioners are permitted to do so he would not press his Petitions and seeks to withdraw the Petitions with liberty to get examined the documents examined by their Handwriting Experts. The learned Counsel for the Petitioners also assures the Court that he shall extend his co-operation to the trial Court for the expeditious trial of the matter. Therefore, the Petitioners are permitted to withdraw the Writ Petition Nos.2684 of 2005 and 2685 of 2005 with the aforesaid

liberty.

5. The above Writ Petitions are disposed of as withdrawn.

(SHRI. J.N. PATEL, J.)